

1 Amend 2 Cal. Code Regs. section 18754:

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3 **§ 18754. Statements of Economic Interests (Members of Boards or Commissions of**
4 **Newly Created Agencies); When and Where to File.**

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6 (a) Applicability:

7 (1) Pursuant to Government Code section 87302.6, a member of a governing
8 board or commission of a newly created agency shall disclose his or her economic
9 interests pursuant to Government Code sections 87202 through 87210. This requirement
10 applies until such time as the member is included in an approved conflict-of-interest code
11 in effect for the governing board or commission of which he or she is a member.

12 (2) For purposes of Government Code section 87302.6, “newly created agency”
13 means any state agency or local government agency, as defined in Government Code
14 sections 82003, 82041, and 82049, which has come into existence on or after January 1,
15 2003.

16 (3) Exceptions

17 (A) A person who is listed or enumerated in Government Code section 87200 is
18 not subject to this section.

19 (B) A person who is a member of a board or commission ~~that does not possess~~
20 ~~decisionmaking authority, as defined in 2 Cal. Code Regs. section 18701(a)(1) is not~~
21 ~~subject to this section.~~ of a newly created agency is not subject to this section, when that
22 board or commission does not possess decisionmaking authority as defined in 2 Cal.
23 Code Regs. section 18701(a)(1).

24 (b) When to file:

25 (1) Assuming Office Statements of Economic Interests:

1 (A) Every member of a governing board or commission of a newly created
2 agency that has come into existence on or after January 1, 2003, but prior to the effective
3 date of this regulation, shall file an assuming office statement within 30 days from the
4 effective date of this regulation.

5 (B) Except as provided in subdivision (b)(1)(A) above, every member of a
6 governing board or commission of a newly created agency shall file an assuming office
7 statement not more than 30 days after assuming office or, if his or her nomination or
8 appointment is subject to State Senate confirmation, not more than 10 days after being
9 nominated or appointed to office.

10 (2) Annual Statements of Economic Interests

11 (A) Every member of a governing board or commission of a newly created
12 agency shall, no later than April 1 of each year, file an annual statement.

13 (B) Every person who assumes office as a member of a governing board or
14 commission of a newly created agency between October 1 and December 31 and files an
15 assuming office statement pursuant to this section need not file his or her first annual
16 statement until one year later than the date applicable under subdivision (b)(2)(A), above.

17 (3) Leaving Office:

18 (A) Every person who leaves his or her position as a member of a governing
19 board or commission of a newly created agency shall, within 30 days after leaving office,
20 file a leaving office statement.

21 (B) If a person leaves his or her position as a member of a governing board or
22 commission of a newly created agency between January 1 and the filing deadline for his
23 or her annual statement of economic interests, the person's leaving office statement may

1 serve as his or her annual statement if, prior to the filing deadline for the annual
2 statement, the person notifies the filing officer in writing that he or she intends to follow
3 this procedure.

4 (4) Members Beginning and Completing a Term of Office: A member of a
5 governing board or commission of a newly created agency who completes a term of
6 office under this section and, within 30 days thereafter, begins a term of the same office
7 or another such office of the same jurisdiction, is not deemed to assume office or leave
8 office for purposes of filing statements under this section.

9 (c) Where to file: Pursuant to subdivision (o) of Govt. Code section 87500 and 2
10 Cal. Code Regs. section 18730, subdivision (b)(4), members of governing boards or
11 commissions of newly created agencies shall file the statements required under this
12 section with their newly created agency or with the agency's code reviewing body, as
13 provided by that code reviewing body.

14 (d) Effect Upon Initial Statements Required Under Government Code section
15 87302(b): An assuming office statement or annual statement filed under this section by a
16 member of a governing board or commission of a newly created agency is deemed to
17 satisfy the requirement at Government Code section 87302(b) that an initial statement be
18 filed by that member within 30 days after the effective date of the new conflict of interest
19 code applicable to that member.

20 NOTE: Authority cited: Section 83112, Government Code.
21 Reference: Section 87302.6, Government Code.

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